IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 425 OF 2005

Dr. R.N. Majumdar ...Petitioner

Versus

The State of Maharashtra & Ors ...Respondents

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Mr. Rajendra Sarwankar, Advocate i/b M/s. Tijoriwala & Co. a/w Mr. Tushar Tijoriwala and Ms. Sheetal Chhabria Advocates for Petitioner.

Smt. Vijaya K. Mistry Advocate for Respondent No.2.

Mr. S.R. Shinde, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 21ST JULY, 2005

P. C.:-

1. Heard both sides.

2. The petitioner has prayed for quashing of process issued against him in Criminal Case No. 233/S/2002 (new case No. 574/S/2004) which is pending in the Court of learned Additional Chief Metropolitan Magistrate, 5th Court (now transferred to 29th Court) Dadar, Mumbai. In the said cases, process has been issued against the petitioner under Section 138 and 141(1) of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in

Criminal Application No.550 of 2005, the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the petitioner prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer revision before the concerned Sessions Court. The learned advocate for the petitioner states that the necessary revision would be preferred within a period of four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks from today in respect of the present petitioner only. The learned advocate for the respondent i.e. original complainant fairly states that no objection would be raised in respect of delay in filing revision before the learned Sessions Judge.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Writ Petition is disposed of.

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